In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R.No.1141 of 2007 (O&M)
Decided on March 02,2007.

Punjab State Electricity Board, Patiala --- Petitioner

vs.

Ram Lal -- Respondent.

Present: Ms. Geeta Sharma Advocate, for the petitioner

Pritam Pal,J: (Oral)

This Civil Revision has been filed by the petitioner/ defendant, (hereinafter referred to as 'the petitioner'), under Article 227 of the Constitution of India, for setting aside order dated December 12,2006, passed by learned First Appellate Court, vide which application of the petitioner filed against order dated December 01,2005, for setting aside the ex-parte order and decree dated June 13,2002, passed by learned Addl. Civil Judge (Senior Division), was dismissed. A prayer has also been made for staying the operation of order of attachment dated January 13,2007, passed during the pendency of the execution of the aforesaid ex-parte judgment and decree passed by the learned trial Court.

Suffice it to say that respondent/plaintiff (hereinafter referred to as 'the respondent'), Ram Lal, had filed a Civil Suit No. 14

dated March 12,2001, against the petitioner i.e. Punjab State Electricity Board, which is a statutory body. Service of notice issued by the trial Court was effected upon it , but none had appeared on behalf of the petitioner during the pendency of the suit before the trial Court. Hence, the petitioner- Punjab State Electricity Board, was proceeded against ex-parte and ultimately, ex-parte decree was passed against it by the trial Court on June 13,2002. After that, the petitioner filed an application under Order 9 Rule 13 of C.P.C. ,for setting aside the ex-parte judgement and decree. The said application was resisted by the respondent and on the pleadings of the parties, following issues were framed on that application:-

1. Whether there are sufficient grounds to set aside the ex- parte judgment and decree dated 13.6.2002 ? OPA
2. Whether the application is time barred ? OPR
3. Relief.

Ultimately, findings on the aforesaid issues were returned against the petitioner and the application for setting aside ex-parte judgment and decree, was dismissed.

Thereafter, an appeal was also filed by the petitioner before the learned Addl. District Judge, Patiala, that too was dismissed vide order dated December 12,2006. This is how feeling aggrieved, the petitioner has come up before this Court in this Civil Revision.

Now the only contention raised by learned counsel for the petitioner is that in fact, the respondent was served in the office of the Senior Executive Engineer, Nabha and that office was not made party to the suit, so there was no valid service of the summon issued by the trial

Court against the petitioner. This contention of learned counsel for the petitioner fails to carry any conviction with this Court, inasmuch as office of the aforesaid Senior Executive Engineer, at Nabha, is admittedly, under the supervision and control of the petitioner Board, which is a statutory body and it is an admitted fact that the petitioner Board was duly served with a notice issued by the trial Court in the suit, but inspite of that, none had appeared on behalf of the petitioner and then the petitioner was proceeded against ex-parte and ultimately, ex-parte judgment and decree were passed against the petitioner/Board vide order dated June 13,2002. Thereafter, an application filed under Order 9 Rule 13 of C.P.C filed by the petitioner before the trial Court, was also held to be time barred. The learned first Appellate Court is also in *unison,* while affirming the findings on both the issues arrived at by the trial Court.

In view of my foregoing discussion, this Court also does not find any illegality or impropriety in the impugned orders passed by the Courts below.

Hence, this Civil Revision stands dismissed in *limine.*

March 02,2007 (Pritam Pal)
RR Judge